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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
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13 LYNN NOYES,)
14 Plaintiff,) 2:02-cv-2685-GEB-CMK
15 v.)
16 KELLY SERVICES, INC.,)
17 Defendant.)
18 _____)

ORDER ADDRESSING
IN LIMINE MOTIONS

19 Defendant's motions in limine are addressed as follows:

20 1. Defendant's motion in limine (Docket #95) to exclude the
21 testimony of Plaintiff's expert Rick Ross concerns issues
22 that are involved in a Daubert hearing currently scheduled
23 for March 17, 2008. The Order filed March 5, 2008,
24 scheduling the Daubert hearing makes it unnecessary to
25 decide this motion, except to the extent that it seeks a
26 Daubert hearing which has been granted.
27 2. Defendant's motion in limine on unspecified immigration
28 evidence (Docket #96) is denied.

- 1 3. Defendant's motion in limine on evidence of other alleged
- 2 acts of discrimination against Plaintiff (Docket #97) is
- 3 denied.
- 4 4. Defendant's motion in limine on purported "retaliation
- 5 evidence" (Docket #98) is denied.
- 6 5. The record on Defendant's "me too" motion in limine (Docket
- 7 #99) is not concrete enough for a ruling; therefore, the
- 8 motion is denied.
- 9 6. Defendant's motion in limine to include all evidence of
- 10 DFEH/EEOC determination letters (Docket #100) is denied.
- 11 7. Defendant's motion in limine to exclude testimony of Jeff
- 12 Boswell and Steve Wehrmann (Docket #101) is denied.
- 13 8. Defendant's motion in limine to exclude evidence of punitive
- 14 damages (Docket #102) is denied.
- 15 9. Plaintiff's motion in limine to exclude the letter that
- 16 advised Plaintiff her allegations could not be sustained
- 17 (Docket #103) is granted; the motion to exclude Mr. Ross's
- 18 conviction for conspiracy to commit embezzlement is denied
- 19 (see advisory committee note to Rule 609 regarding
- 20 embezzlement constituting admissible evidence under Rule
- 21 609(a) (2); and, the motion concerning Ross's other
- 22 sentencing records and psychological counseling records
- 23 (except a judgment of conviction for conspiracy to embezzle)
- 24 is granted; motion to exclude reference to civil lawsuit
- 25 involving \$3,000,000 verdict is denied in light of
- 26 Defendant's biased proffer. Further, Defendant has not
- 27 shown any other civil litigation matters have sufficient
- 28 probative value on an issue to be admitted. Lastly,

1 Plaintiff's motion to exclude personal correspondence from
2 Rick Ross to Priscilla Coates in the 1980's is denied.
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4 IT IS SO ORDERED.
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6 Dated: March 11, 2008
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GARLAND E. BURRELL, JR.
United States District Judge